

REMARKS

Status of the Claims

Claim 1 – 12 were rejected by the Examiner.

Claim 4 has been cancelled.

Claims 1 and 5 have been amended

Claims 1 – 3 and 5 – 12 are now pending.

Support for these amendments can be found in the application at least in original claim 4.

Rejection of Claims 1, 4, 6, and 9 under 35 U.S.C. §103(a)

The Examiner has rejected claims 1, 4, 6, and 9 under 35 U.S.C. §103(a) as being unpatentable over the Admitted Prior Art ("APA") in view of U.S. Patent Application No. 2002/0053568 ("Balzer") and German Patent No. DE 19912642 ("Ruediger"). Applicants have amended claim 1, and cancelled claim 4. The rejected claims as amended are not made obvious by the combination of the APA, Balzer, and Ruediger, as the present invention has priority over the Balzer application, and the remaining combination of art does not disclose all elements of the present invention.

Applicants have submitted herewith a declaration under 37 C.F.R. 1.131 showing that they conceived and reduced to practice the invention at least as early as September 4, 2001. The earliest date to which Balzer can claim priority is the filing date, November 6, 2001. Since the present application has priority over Balzer, Balzer is not an available reference under 35 U.S.C. §103(a).

Further, the combination of the APA and Ruediger does not disclose all elements of the rejected claims. Neither the APA nor Ruediger disclose fixing the reservoir assembly to one of two shell portions connected together and sealingly connecting the shell portions, as required in independent claims 1 and 6. Further, neither the APA nor Ruediger disclose a reservoir unit having its smallest cross-sectional area being greater than the area of the fuel tank aperture, with said reservoir assembly being attached to at least one of the thermoformed shell portions inside the fuel tank, as required in independent claim 9.

Thus, Ruediger, alone or in combination with the APA, does not suggest the arrangement of claims 1, 6, or 9, and these claims therefore overcome the §103(a) rejection.

Rejection of Claims 2, 3, 7, 8, and 11 under 35 U.S.C. §103(a)

The Examiner has rejected claims 2, 3, 7, 8, and 11 under 35 U.S.C. §103(a) as being unpatentable over the APA in view of Balzer and Ruediger, and further in view of U.S. Patent Application No. 2002/0020487 ("Vorenkamp") or U.S. Patent No. 5,044,526 ("Sasaki"). Applicants have amended claim 1, upon which claims 2 and 3 are dependent. The rejected claims as amended are not obvious from the combination of the APA, Balzer, Ruediger, and Vorenkamp or Sasaki, as the present invention has priority over the Balzer application, and the remaining combination of art does not disclose all elements of the present invention.

As shown above, since the present application has priority over Balzer, Balzer is not an available reference under 35 U.S.C. §103(a). Further, the combination of the APA and Ruediger in view of Vorenkamp or Sasaki does not disclose all elements of the rejected claims. As shown above, neither the APA nor Ruediger disclose fixing the reservoir assembly to one of two shell portions connected together and sealingly connecting the shell portions, as required in independent claims 1 and 6, upon which claims 2, 3, 7, and 8 depend. Further, as shown above, neither the APA nor Ruediger disclose a reservoir unit having its smallest cross-sectional area being greater than the area of the fuel tank aperture, with said reservoir assembly being attached to at least one of the thermoformed shell portions inside the fuel tank, as required in independent claim 9, upon which claim 11 depends. Both Vorenkamp and Sasaki teach the use of a particular joining method to provide a connection between a fuel tank and fuel reservoir; however, both methods are adapted for use where a fuel reservoir is inserted into a fuel tank after the tank has been formed. Neither reference is drawn to attaching the fuel reservoir to a portion of the fuel tank, and then further assembling the fuel tank itself. Further, since the methods of Vorenkamp and Sasaki are drawn to joining methods for use in attaching the fuel reservoir to the tank after formation of the tank, they would be irrelevant to a situation

as disclosed in the present invention. The reservoir unit has a smallest cross-sectional area being greater than the area of the fuel tank aperture, which means that the reservoir unit could not be inserted into the fuel tank after the thermoformed shells are joined, as it would not be able to fit through the fuel access aperture. Thus, neither Vorenkamp nor Sasaki, alone or in combination with the APA and Ruediger, suggest the arrangement of independent claims 1, 6, or 9.

Since claims 2 and 3 are dependent on claim 1, claims 7 and 8 are dependent on claim 6, and claim 11 is dependent on claim 9, these claims are not anticipated or suggested by Vorenkamp or Sasaki, alone or in combination with the APA and Ruediger. The Examiner's §103(a) rejection has been overcome, and Applicants request that the Examiner withdraw his objection.

Rejection of Claims 5 and 12 under 35 U.S.C. §103(a)

The Examiner has rejected claims 5 and 12 under 35 U.S.C. §103(a) as being unpatentable over the APA in view of Balzer and Ruediger, and further in view of U.S. Patent Application No. 2002/0053567 ("Beyer") and/or U.S. Patent No. 6,332,555 ("Stangier"). Applicants have amended claim 1, upon which claim 5 is based. The rejected claims as amended are not made obvious by the combination of the APA, Balzer, Ruediger, and Beyer and/or Stangier, as the present invention has priority over the Balzer and Beyer applications, and the remaining combination of art does not disclose all elements of the present invention.

As shown above, since the present application has priority over Balzer, Balzer is not an available reference under 35 U.S.C. §103(a). Applicants have submitted herewith a declaration under 37 C.F.R. 1.131 showing that they conceived and reduced to practice the invention at least as early as September 4, 2001. The earliest date to which Beyer can claim priority is the filing date, September 6, 2001. Since the present application has priority over Beyer, Beyer is not an available reference under 35 U.S.C. §103(a).

Further, the combination of the APA and Ruediger in view of Stangier does not disclose all elements of the rejected claims. As shown above, neither the APA nor Ruediger disclose fixing the reservoir assembly to one of two shell portions connected

together and sealingly connecting the shell portions, as required in independent claim 1, upon which claim 5 depends. Further, as shown above, neither the APA nor Ruediger disclose a reservoir unit having its smallest cross-sectional area being greater than the area of the fuel tank aperture, with said reservoir assembly being attached to at least one of the thermoformed shell portions inside the fuel tank, as required in independent claim 9, upon which claim 12 depends. Stangier teaches the use of a holding cover for a fuel tank to provide support for connecting tubes; however, Stangier is not drawn to attaching the fuel reservoir to a portion of the fuel tank, and then further assembling the fuel tank itself. Stangier also does not disclose a reservoir assembly attached to a fuel tank. Thus, Stangier, alone or in combination with the APA and Ruediger, does not suggest the arrangement of independent claims 1 or 9.

Since claim 5 is dependent on claim 1 and claim 12 is dependent on claim 9, these claims are not anticipated or suggested by Stangier, alone or in combination with the APA and Ruediger. The Examiner's §103(a) rejection has been overcome, and Applicants request that the Examiner withdraw his objection.

Rejection of Claim 10 under 35 U.S.C. §103(a)

The Examiner has rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over the APA in view of Balzer and Ruediger, and further in view of U.S. Patent No. 5,992,394 ("Mukaidani") and U.S. Patent No. 6,176,260 ("Hahner"). The rejected claims are not made obvious by the combination of the APA, Balzer, Ruediger, Mukaidani and Hahner, as the present invention has priority over the Balzer application, and the remaining combination of art does not disclose all elements of the present invention.

As shown above, since the present application has priority over Balzer, Balzer is not an available reference under 35 U.S.C. §103(a). Further, the combination of the APA and Ruediger in view of Mukaidani and Hahner does not disclose all elements of the rejected claims. As shown above, neither the APA nor Ruediger disclose a reservoir unit having its smallest cross-sectional area being greater than the area of the fuel tank aperture, with said reservoir assembly being attached to at least one of the thermoformed

shell portions inside the fuel tank, as required in independent claim 9, upon which claim 10 depends. Both Mukaidani and Hahner teach the construction of a fuel reservoir or supply device; however, neither reference is drawn to a fuel reservoir attached to a portion of a thermoformed shell portion inside a fuel tank. Thus, neither Mukaidani nor Hahner, alone or in combination with the APA and Ruediger, suggest the arrangement of independent claim 9.

Since claim 10 is dependent on claim 9, it is not anticipated or suggested by Mukaidani or Hahner, alone or in combination with the APA and Ruediger. The Examiner's §103(a) rejection has been overcome, and Applicants request that the Examiner withdraw his objection.

Rejection of Claims 1 and 6 under 35 U.S.C. §103(a)

The Examiner has rejected claims 1 and 6 under 35 U.S.C. §103(a) as being unpatentable over the APA in view of U.S. Patent No. 5,129,544 ("Jacobson"). Applicants have amended claim 1. The rejected claims as amended are not made obvious by the combination of the APA and Jacobson, as the cited art does not disclose all elements of the present invention.

As amended, claim 1 recites the step of "forming a fuel tank access aperture in at least one of said first and second shell portions for allowing access to said reservoir assembly," as does unamended claim 6. In contrast, Jacobson discloses a two-part fuel tank constructed of a laminate plastic shell designed to be sealingly secured together. Any aperture for fuel or venting of Jacobson is not designed to provide access to the fuel tank itself, and therefore does not suggest the fuel tank access aperture of the present invention. No fuel tank access aperture is disclosed. Thus, Jacobson, alone or in combination with APA, does not suggest the arrangement of independent claims 1 or 6. The Examiner's §103(a) rejection has been overcome, and Applicants request that the Examiner withdraw his objection.

Rejection of Claims 2, 3, 7, 8, and 11 under 35 U.S.C. §103(a)

The Examiner has rejected claims 2, 3, 7, 8, and 11 under 35 U.S.C. §103(a) as being unpatentable over the APA in view of Jacobson, and further in view of Vorenkamp or Sasaki. Applicants have amended claim 1, upon which claims 2 and 3 are dependent. The rejected claims as amended are not made obvious by the combination of the APA, Jacobson, and Vorenkamp or Sasaki, as the cited art does not disclose all elements of the present invention.

As shown above, the Jacobson reference does not disclose a fuel tank access aperture, as disclosed in amended claim 1 and original claims 6 and 9. Both Vorenkamp and Sasaki teach the use of a particular joining method to provide a connection between a fuel tank and fuel reservoir; however, both methods are adapted for use where a fuel reservoir is inserted into a fuel tank after the tank has been formed. Neither reference is drawn to attaching the fuel reservoir to a portion of the fuel tank, and then further assembling the fuel tank itself. Further, since the methods of Vorenkamp and Sasaki are drawn to joining methods for use in attaching the fuel reservoir to the tank after formation of the tank, they would be irrelevant to a situation as disclosed in the present invention. The reservoir unit has a smallest cross-sectional area being greater than the area of the fuel tank aperture, which means that the reservoir unit could not be inserted into the fuel tank after the thermoformed shells are joined, as it would not be able to fit through the fuel access aperture. Thus, neither Vorenkamp nor Sasaki, alone or in combination with the APA and Ruediger, suggest the arrangement of independent claims 1, 6, or 9. Thus, neither Vorenkamp nor Sasaki, alone or in combination with the APA and Ruediger, suggest the arrangement of independent claims 1, 6, or 9.

Since claims 2 and 3 are dependent on claim 1, claims 7 and 8 are dependent on claim 6, and claim 11 is dependent on claim 9, these claims are not anticipated or suggested by Vorenkamp or Sasaki, alone or in combination with the APA and Ruediger. The Examiner's §103(a) rejection has been overcome, and Applicants request that the Examiner withdraw his objection.

Rejection of Claims 5 and 12 under 35 U.S.C. §103(a)

The Examiner has rejected claims 5 and 12 under 35 U.S.C. §103(a) as being unpatentable over the APA in view of Jacobson, and further in view of Beyer and/or Stangier. Applicants have amended claim 1, upon which claim 5 is based. The rejected claims as amended are not made obvious by the combination of the APA, Jacobson, and Beyer and/or Stangier, as the present invention has priority of the Beyer application, and the cited art does not disclose all elements of the present invention.

As shown above, since the present application has priority over Beyer, Beyer is not an available reference under 35 U.S.C. §103(a). Additionally, as discussed above, the Jacobson reference does not disclose a fuel tank access aperture, as disclosed in amended claim 1 and original claim 9. However, Stangier teaches the use of a holding cover for a fuel tank. The holding cover is designed to provide support for connecting tubes and “ensure that the components which are mounted on the holding cover or connected thereto are in a defined arrangement relative to the tank.” (Stangier at col. 3, ll. 9 – 13). The holding cover of Stangier is not designed to provide access to the fuel tank itself, and therefore does not suggest the fuel tank access aperture of the present invention. Thus, Stangier, alone or in combination with the APA and Ruediger, does not suggest the arrangement of independent claims 1 or 9.

Since claim 5 is dependent on claim 1 and claim 12 is dependent on claim 9, these claims are not anticipated or suggested by Beyer or Stangier, alone or in combination with the APA and Jacobson. The Examiner’s §103(a) rejection has been overcome, and Applicants request that the Examiner withdraw his objection.

Rejection of Claim 10 under 35 U.S.C. §103(a)

The Examiner has rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over the APA in view of Jacobson, and further in view of Mukaidani and Hahner. The rejected claims are not made obvious by the combination of the APA, Jacobson, Mukaidani and Hahner, as the cited art does not disclose all elements of the present invention.

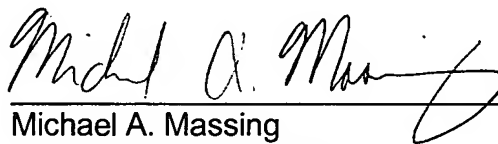
The combination of the APA and Jacobson in view of Mukaidani and Hahner does not disclose all elements of the rejected claims. As shown above, neither the APA nor Ruediger disclose a fuel tank access aperture as disclosed in original claim 9. Both Mukaidani and Hahner teach the construction of a fuel reservoir or supply device; however, neither reference is drawn to creating a fuel tank access aperture. Thus, neither Mukaidani nor Hahner, alone or in combination with the APA and Jacobson, suggest the arrangement of independent claim 9.

Since claim 10 is dependent on claim 9, it is not anticipated or suggested by Mukaidani or Hahner, alone or in combination with the APA and Jacobson. The Examiner's §103(a) rejection has been overcome, and Applicants request that the Examiner withdraw his objection.

SUMMARY

Pending Claims 1 – 3 and 5 – 12, as amended, are patentable. Applicants respectfully request that the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,



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